

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

## CONCERNING PATENTABILITY

(Chapter II of the PCT)

Applicant's or agent's file reference 2271/79 WO	<b>FURTHER ACTION</b> see Form PCT/IPEA/416	
International Application No. PCT/EP2004/001251	International filing date (day/month/year) 11.02.2004	Priority date (day/month/year) 18.03.2003
International Patent Classification (IPC) or national classification and IPC B60J10/00, B60J10/02		
Applicant METEOR GUMMIWERKE K.H. BÄDJE GMBH & CO. KG et al		

1. This report is the international preliminary examination report which has been prepared by the international preliminary examination authority according to Article 35 and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. The report is also accompanied by ANNEXES; these comprise a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of 8 sheets; these are <input type="checkbox"/> sheets with the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications to which the authority has agreed (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which replace earlier sheets but which for the reasons set out in field No. 1, point 4 and in the additional field in the opinion of the authority contain an amendment which goes beyond the content of disclosure of the international application in the version as originally filed. b. <input type="checkbox"/> (sent only to the International Bureau) i> in total (please specify type and number of electronic data carrier(s)) containing a sequence listing and/or the appertaining tables, only in computer-readable form, as specified in the additional field concerning the sequence listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Field No. I Basis of the report <input type="checkbox"/> Field No. II Priority <input type="checkbox"/> Field No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Field No. IV Lack of unity of invention <input checked="" type="checkbox"/> Field No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Field No. VI Specific documents cited <input type="checkbox"/> Field No. VII Specific defects in the international application <input type="checkbox"/> Field No. VIII Specific observations on the international application

Date of filing of the request 30.09.2004	Date of completion of this report 17.05.2005
Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer BORRAS GONZALEZ Tel. +49 89 2399-7071

INTERNATIONAL PRELIMINARY REPORT  
CONCERNING PATENTABILITYInternational Application  
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10/547198

## Field No. I Basis of the report

1. With regard to the **language**, the report is based on the international application in the language in which it was filed, unless otherwise indicated under this point.
- ☐ The report is based on a translation out of the original language into the following language, which is the language of the translation which has been filed for the following purpose:
- ☐ international search (under Rules 12.3 and 23.1(b)).
  - ☐ publication of the international application (under Rule 12.4).
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3).
2. With regard to the **elements\*** of the international application the report is based on (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report*):

**Description, pages:**

6-10 as originally filed  
1-5, 5a filed with the request

**Claims, No.:**

1-8 filed with the request

**Drawings, sheets**

1/4-4/4 as originally filed

☐ a sequence listing and/or any appertaining tables - see additional field concerning the sequence listing

3. The amendments have resulted in the cancellation of the following documents:

- ☐ description: pages
- ☐ claims: No.
- ☐ drawings: sheets/Fig.
- ☐ sequence listing (*precise details*)
- ☐ any tables appertaining to the sequence listing (*precise details*):

4. ☐ This report has been established without taking account of (some of) the amendments appended to this report and listed below, since for the reasons set out in the additional field in the opinion of the authority they go beyond the content of disclosure in the version as originally filed (Rule 70.2(c)).

- ☐ description: pages
- ☐ claims: No.
- ☐ drawings: sheets/Fig.
- ☐ sequence listing (*precise details*)
- ☐ any tables appertaining to the sequence listing (*precise details*):

\* If point 4 applies, some or all of these sheets can be marked "replaced".

**Field No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims 1-8
	No: Claims
Inventive step (IS)	Yes: Claims 1-8
	No: Claims
Industrial applicability (IA)	Yes: Claims 1-8
	No: Claims

2. Citations and explanations (Rule 70.7):  
**see separate sheet**

**With regard to Chapter V.2.**

Reference is made to the following documents:

- D1: EP-A-0 628 439 (GENCORP INC) December 14, 1994 (1994-12-14)
- D2: US-A-5 461 830 (DUPUY RONALD E) October 31, 1995 (1995-10-31)
- D3: EP-A-0 642 943 (SCHLEGEL CORP) March 15, 1995 (1995-03-15)
- D4: DE 12 15 009 B (HAPPICH GMBH GEBR) April 21, 1966 (1966-04-21)
- D5: EP-A-0 258 599 (AGES SPA) March 9, 1988 (1988-03-09)
- D6: US-A-4 119 325 (OAKLEY JOHN ET AL) October 10, 1978 (1978-10-10)
- D7: WO 98/21061 A (FAIRBURN; FOY; NAVI) May 22, 1998 (1998-05-22)
- D8: DE 100 61 817 A (OVERHEAD DOOR CORP) July 26, 2001 (2001-07-26)

**V.2.1 Independent Claim 1**

**V.2.1.1 Novelty**

Document D1 which is viewed as the closest prior art discloses:

- a sealing strip which is arranged for mounting on a vehicle frame structure and which is intended to cooperate with a window pane which can be pivoted between an open and closed position, having a basic body which comprises an elongated structure which has a U-shaped cross-section and substantially surrounds a hollow space, wherein the free ends of this structure are provided in each case with a sealing lip with the proviso that the pane which is introduced on the edge-side into the hollow space during a pivoting movement comes into abutment on both sides with a sealing lip, having two molded parts which are produced separately from each other, can be connected together and in the connected state form the basic body of the sealing strip, wherein both molded parts consist of a synthetic material, comprise a generally L-shaped configuration and consist in each case of a mounting portion and a side portion which extends preferably perpendicularly thereto, that in the mounted state the molded parts overlap in the region of their mounting portions,

Therefore the subject matter of Claim 1 differs from this in that

- the basic body comprises a configuration which is two-dimensionally or spatially curved in dependence upon the vehicle frame structure, that, starting from one end towards the other end, the hollow space comprises a changing, in particular a reducing depth corresponding to a width dimension, that profile elements are integrally formed on the mounting portion and can be brought into engagement with cut-outs in the mounting portion in order to attach the molded parts to each other in a positive-locking manner, and that a sealing element which supports a sealing lip and is produced from an elastomer is attached to each free end of the side portions of the molded parts.

Therefore, the subject matter of the present claim 1 appears to satisfy the criterion stated in Article 33 (2) PCT because the subject matter of the single independent claim 1 is new with regard to the prior art which is retyped in the implementing regulations (Rule 64.1 - 64.3 PCT).

#### V.2.1.2. Inventive step

On the basis of the prior art stated, the object to be achieved by the present invention can thus be regarded as developing a sealing strip in accordance with the preamble of the independent claim 1 such that the sliding properties of the sealing lips are improved and thus the friction forces with respect to the pane are reduced.

The solution in accordance with claim 1 does not seem to be known from any of the documents involved in the proceedings either in its own right nor does it seem to be rendered obvious from the prior art as a whole.

Therefore, the subject matter of the present claim 1 appears to satisfy the criterion stated in Article 33 (3) PCT because the subject matter of claim 1 appears to be based upon an inventive step (Rule 65.1, 65.2 PCT).

**V.2.2. Dependent claims 2-8**

The dependent claims 2-8 which describe further embodiments of the invention as claimed in claim 1 likewise appear to satisfy the requirements of Articles 33 (2) to (4) PCT.